

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C-04-04801-JW

PHASE FOUR INDUSTRIES, IN,

Plaintiff,

v.

MARATHON COACH, INC.,

Defendant.

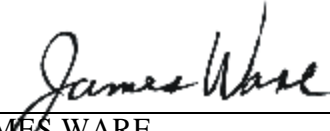
**ORDER REFERRING CASE TO
MAGISTRATE JUDGE TRUMBULL FOR
A SETTLEMENT CONFERENCE.**

The Court conducted a Case Management Conference on October 31, 2005. Alan Heimlich appeared on behalf of Phase Four and Monaco. Brenna Legaard appeared on behalf of Marathon. At the conference, the Court posed a question as to whether private mediation or judicial settlement conference would be beneficial at this time in the litigation. Counsel expressed interests but requested some time to confer with their respective clients.

On December 7, 2005, the Court received an email from Ms. Legaard, representing that Marathon is willing to engage in private mediation with a volunteer mediator, share the cost of a private mediator, or participate in a judicial settlement conference. On December 14, 2005, the Court received an email notification from Mr. Heimlich, representing that at this time, Phase Four prefers a judicial settlement conference.

Accordingly, the parties are referred to Magistrate Judge Trumbull for a settlement conference. The parties shall contact Magistrate Judge Trumbull's Deputy Clerk, Corinne Lew at (408) 535-5378 no later than 10 days of this Order to schedule a conference.

Dated: December 19, 2005



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Alan Heimlich alanheimlich@heimlichlaw.com

Brenna Legaard brenna@chernofflaw.com

3 William O. Geny bill@chernofflaw.com

4 **Dated: December 19, 2005**

Richard W. Wiekling, Clerk

By: /s/ JW Chambers
Ronald L. Davis
Courtroom Deputy